

Attorney Docket No. 40146/26802 (1355)

REMARKS

Claims 1 and 5 were rejected under 35 U.S.C. § 102(e) as allegedly anticipated by U.S. Published Patent Application No. US 2001/0010689 to Awater et al. ("Awater"). Claims 2-4, 6, 8, 9, 14-17, 21, and 25 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Awater. Claim 7 is rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Awater in view of U.S. Patent No. 6,628,675 to Neufeld ("Neufeld"). Claims 10-13, 18-20, and 22-24 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Awater in view of U.S. Patent Application No. 20030110484 of Famolari. ("Famolari"). Applicant respectfully traverses all rejections of record.

By the foregoing amendments, Applicant has amended claims 1 and 8. Support for the amendments can be found, *e.g.*, in Paragraph 0008 of the present application. As such, no new matter has been introduced by way of these amendments.

Rejections under 35 U.S.C. § 102(e)

Claims 1 and 5 were rejected under 35 U.S.C. § 102(e) as allegedly anticipated by Awater.

As amended, claim 1 recites, *inter alia*:

operating said data communications device in a first WLAN mode to associate with said access point and engage in data communications with said network via said access point using said radio transmitter and receiver;

operating said data communications device in a second personal area communications mode, wherein said data communications device communicates with said at least one peripheral device using said radio transmitter and receiver;

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Applicant respectfully submits that the prior art does not disclose or suggest at least the above-quoted features of claim 1.

As amended, claim 1 recites, "operating said data communications device in a first WLAN mode to associate with said access point and engage in data communications with said network via said access point using said radio transmitter and receiver; operating said data communications device in a second personal area communications mode, wherein said data communications device communicates with said at least one peripheral device using said radio transmitter and receiver." (Emphasis added). Awater does not disclose or suggest this feature of claim 1. According to Awater, "[a] need exists for a means which can enable a single device to interface via both an IEEE 802.11 radio *and* a Bluetooth radio system. According to one aspect of the present invention there is provided a device incorporating a *first radio system* operating at a first range of frequencies of operation and a *second radio system* operating at a second range of frequencies of operation... ." (Awater, paragraphs 0012-0013 (emphasis added)). As described in the specification of the present application regarding the state of the art at the time of filing, "[w]hen it is desired to have a mobile unit communicate with both a wired network and a peripheral device, two distinct radios are required. The requirement for two radio systems adds cost and reduces the performance of both networks...In addition, the use of two radios adds to the complexity, weight, and power requirements of a mobile unit." (Specification, paragraph 0006).

Instead, Awater describes a system wherein an "interoperability device" is used to coordinate the behavior of *multiple transceivers* and prevent interference between them. (See Awater, Specification, Figure 2). The use of multiple transceivers to communicate in multiple protocols as described in Awater is not the same as a system wherein "*a single radio is used to*

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operate in both said first WLAN mode and said second personal area communications mode.” as recited in claim 1.

Accordingly, for at least these reasons, Applicants respectfully submits that independent claim 1 should be allowed. Claim 5 depends from claim 1 and should be allowed for at least these reasons.

Rejections under 35 U.S.C. § 103(a)

Claims 2-4, 6, 8, 9, 14-17, 21, and 25 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Awater in view of the prior art.

Claims 2-4 and 6 depend from claim 1 and thereby incorporate all of the limitations of claim 1. As discussed above, Awater fails to disclose or suggest “operating said data communications device in a first WLAN mode to associate with said access point and engage in data communications with said network via said access point; operating said data communications device in a second personal area communications mode, wherein said data communications device communicates with said at least one peripheral device; wherein a single radio is used to operate in both said first WLAN mode and said second personal area communications mode” and the prior art of record also fails to disclose or suggest these features of claim 1. Accordingly, claims 2-4 and 6 should be allowed for at least the same reasons expressed above with respect to claim 1.

As amended, claim 8 recites, *inter alia*:

wherein said first control program can communicate directly with said at least one peripheral device.

Awater does not disclose or suggest this feature of claim 8. Instead, Awater describes a system wherein one mobile device uses the 802.11 protocol for wireless communications, and

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the peripheral devices use the Bluetooth protocol. (*See* Awater, paragraphs 0007-0008). The control program associated with the first mobile device does not communicate directly with the peripheral device as recited in claim 8. Again, Awater describes a system wherein an “interoperability device” is used to coordinate the behavior of multiple transceivers and prevent interference between them. (*See* Awater, Specification, Figure 2) Awater does not describe a system wherein the mobile and peripheral devices communicate directly, but instead, a device is used to schedule the operation of the respective devices such that it “prevents that one transceiver is transmitting while the other is receiving, which would cause interference... [and] preferably prevents that both systems are transmitting at the same time to avoid interference.” (Awater, Abstract). The use of a device to coordinate behavior is not the same as a system in which a first device having a first control program as recited in claim 8 “wherein said first control program can communicate directly with said at least one peripheral device” as recited in claim 8. Assuming *arguendo* that it would be obvious to one of ordinary skill in the art that a peripheral device must have a processor, software, and a transceiver of some sort as the Examiner asserts (*See* Office Action, page 6), it would not be obvious to have a first control program as recited in claim 8 “wherein said first control program can communicate directly with said at least one peripheral device.” Accordingly, for at least these reasons, Applicant respectfully submits that independent claim 8 should be allowed.

Claims 9 and 14-17 depend from claim 8 and thereby incorporate all of the limitations of claim 8. As discussed above, Awater fails to disclose or suggest “operating said data communications device in a first WLAN mode to associate with said access point and engage in data communications with said network via said access point; operating said data communications device in a second personal area communications mode, wherein said data

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communications device communicates with said at least one peripheral device; wherein a single radio is used to operate in both said first WLAN mode and said second personal area communications mode” and the prior art of record also fails to disclose or suggest this feature of claim 1. Accordingly, claims 9 and 14-17 should be allowed for at least the same reasons expressed above with respect to claim 8.

Claim 21 recites, *inter alia*:

a data communications digital processor having a control program and a radio, wherein said control program is arranged to cause said data communications device to permanently associate with a data communications device on a mobile unit and conduct data communications therewith.

The Examiner acknowledges that Awater does not disclose these features of claim 21 but takes the position that it would have been obvious to one of ordinary skill in the art that the use of Bluetooth technology allows the permanent association of two devices as long as they are within a certain proximity. (See Office Action, page 7). This, however, is not the case. As described in the Specification of the present application, “[i]n connection with communications with peripheral devices 22, *such as the communications provided by the Bluetooth system*, [u]sually it is assumed that the peripheral devices are within such range of the mobile unit and accordingly the roaming and *association functions of standard 802.11 are not required*.” (Specification, paragraph 0029, emphasis added).

The Examiner fails to show a reason to form a permanent association as described in claim 21 when standard Bluetooth operation as cited by the Examiner does not disclose or suggest this type of association. Accordingly, for at least these reasons, Applicant respectfully submits that independent claim 21 should be allowed. Claim 25 depends from claim 21 and should be allowed for at least these reasons.

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Claim 7 is rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Awater in view of Neufeld.

Claim 7 depends from claim 1 and thereby incorporates all of the limitations of claim 1. As discussed above, Awater fails to disclose or suggest “operating said data communications device in a first WLAN mode to associate with said access point and engage in data communications with said network via said access point; operating said data communications device in a second personal area communications mode, wherein said data communications device communicates with said at least one peripheral device; wherein a single radio is used to operate in both said first WLAN mode and said second personal area communications mode” and Neufeld also fails to disclose or suggest this feature of claim 1. Accordingly, claim 7 should be allowed for at least the same reasons expressed above with respect to claim 1.

Claims 10-13, 18-20, and 22-24 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Awater in view of Famolari.

Claims 10-13 depend from claim 8 and thereby incorporate all of the limitations of claim 8. As discussed above, Awater fails to disclose or suggest “operating said data communications device in a first WLAN mode to associate with said access point and engage in data communications with said network via said access point; operating said data communications device in a second personal area communications mode, wherein said data communications device communicates with said at least one peripheral device; wherein a single radio is used to operate in both said first WLAN mode and said second personal area communications mode” and the prior art of record and Famolari also fail to disclose or suggest this feature of claim 8. Accordingly, claims 10-13 should be allowed for at least the same reasons expressed above with respect to claim 8.

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Claim 18 recites, *inter alia*:

wherein said control program includes an initiating program whereby said data communication device receives initiation requests from a peripheral device and forms a permanent association therewith using a modification of said first data communication protocol.

The Examiner acknowledges that Awater does not disclose these features of claim 18 but takes the position that the Bluetooth protocol described in Awater is a modification of the described 802.11 protocol and that Famolari discloses a system wherein a control program includes an initiating program, whereby said data communications device receives initiation requests from a peripheral device and forms a permanent association therewith using a modified version of the first protocol. (See Office Action, page 11).

Assuming *arguendo* that Bluetooth is a modification of the 802.11 protocol, Famolari does not disclose or suggest a communications device receiving initiation requests from a peripheral device and forming a *permanent association* therewith using a modified version of the first protocol. Instead, Famolari describes with regards to Bluetooth operation in a wireless system, “[w]ith this modification, an active Bluetooth mode need be maintained *only with the devices of the group then selected for updating, while the devices in those groups that have not yet been selected for updating are places in a conventional PARK mode. After a selected group of devices has executed the associated download commands, the associated Bluetooth connections from the terminal 31 may be terminated.*” (Famolari, paragraph 0021 (emphasis added)). As described in the specification of the present application, “[i]n connection with communications with peripheral devices 22, *such as the communications provided by the Bluetooth system*, usually it is assumed that the peripheral devices are within such range of the mobile unit and accordingly the roaming and *association functions of standard 802.11 are not required.*” (Specification, paragraph 0029). As such, Awater and Famolari do not disclose or

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suggest, "...wherein said control program includes an initiating program whereby said data communication device receives initiation requests from a peripheral device and forms a permanent association therewith using a modification of said first data communication protocol" as recited in claim 18.

Accordingly, for at least these reasons, Applicant respectfully submits that independent claim 18 should be allowed. Claims 19-20 depend from claim 18 and thereby incorporate all of the limitations of claim 18. Accordingly, claims 19-20 should be allowed for at least the same reasons expressed above with respect to claim 18.

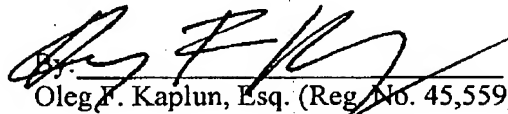
Claims 22-24 depend from claim 21 and thereby incorporate all of the limitations of claim 21. As discussed above, Awater fails to disclose or suggest "a data communications digital processor having a control program and a radio, wherein said control program is arranged to cause said data communications device to permanently associate with a data communications device on a mobile unit and conduct data communications therewith" and the prior art of record and Famolari also fail to disclose or suggest this feature of claim 21. Accordingly, claims 22-24 should be allowed for at least the same reasons expressed above with respect to claim 21.

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CONCLUSION

In view of the foregoing amendments and remarks, favorable consideration and allowance of claims 1-25 are respectfully solicited. In the event that the application is not deemed in condition for allowance, the Examiner is invited to contact the undersigned in an effort to advance the prosecution of this application.

Respectfully submitted,

Dated: September 19, 2007
By: _____
Oleg F. Kaplun, Esq. (Reg. No. 45,559)

Fay Kaplun & Marcin, LLP
150 Broadway, Suite 702
New York, N.Y. 10038
(212) 619-6000 (telephone)
(212) 619-0276 (facsimile)